

**REMARKS**

Claims 1-30 are pending in this application with claims 1, 2, 8, 9, 13, 14, and 28-30 being amended by this response. Support for the amendments to the claims can be found throughout the specification and the original claims, and particularly on page 7, line 17 to page 8, line 15 and page 9, line 26 to page 10, line 10. Applicants respectfully submit that no new matter is added by these claim amendments.

**Rejection of Claims 28, 29 and 30 under 35 U.S.C. 101**

Claims 28, 29 and 30 are rejected under 35.U.S.C. 101 because they are directed towards non-statutory subject matter.

Claims 28, 29, and 30 have been amended to be tied to a specific purpose machine and include an "interface processor," "a data processor," and "a display generator." Moreover, the claimed arrangement sets forth specific hardware elements in a "repository electrically coupled to said data processor" to form a specific purpose computer system. The processors, as defined on page 7 of the specification, are specific purpose hardware devices able to implement specific algorithms and instructions encoded therein. Therefore, as claimed, the method uses a specific purpose computing device to generate an alert message "in response to analyzing said records" as recited in claim 28. The methods claimed in amended claims 28, 29, and 30 are specifically tied to a machine conditioned for operating in the claimed manner. Specifically, the claimed arrangements are implemented by utilizing a "system integrated into a workflow process for use in improving management of said workflow process" that creates "an alert message." As discussed above, the method includes using specific processors that are specifically conditioned to operate to implement the claimed features. Furthermore, the method of claims 28 and 29 operates to generate alerts in response to analysis of performance deficiencies in the workflow process, advantageously enabling reassignment of resources or reconfiguration of systems to address performance deficiencies in the workflow process. Moreover, the alert messages of claims 28 and 29 are more than mere insignificant post-solution activity, since they enable reconfiguration or prompts examination of the workflow process to address identified performance deficiencies. Therefore, Applicants respectfully submit that the claimed methods satisfy both prongs of the machine or transformation test set forth in *In re Bilski*. Consequently, withdrawal of the rejection of claims 28-30 is respectfully requested.

**Rejection of Claims 1-30 under 35 U.S.C. 102(e)**

Claims 1-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Frank et al. (U.S. Patent No Application Publication No. 2002/0143595).

Amended claim 1 provides a system integrated into a workflow process for use in improving management of the workflow process. The workflow process comprises a sequence of tasks to be performed by at least one individual. During the execution of a task in the workflow process, an interface processor receives a message indicating recognition of an occurrence of a performance deficiency in the workflow process. In a repository, a data processor is conditioned to store records therein. An individual record includes data representing current workflow context information indicating context occurring substantially at the time of recognition of the occurrence of the performance deficiency in the workflow process, and information identifying the performance deficiency in the workflow process in response to the received message. An analyzer analyzes the data in the record identifying the performance deficiency in the workflow process to support improvement of the workflow process. For the following reasons, Frank fails to disclose or suggest each feature of amended claim 1.

Specifically, Frank fails to disclose or suggest “a system integrated into a workflow process for use in improving management of said workflow process” by “receiving, during execution of a task in said workflow process, a message indicating recognition of an occurrence of a performance deficiency in said workflow process” and “storing records... an individual record comprising data representing current workflow context information indicating context occurring substantially at the time of recognition of said occurrence of said performance deficiency in said workflow process and information identifying said performance deficiency in said workflow process” as in the claimed arrangement. The claimed system advantageously enables the identification and characterization of a performance deficiency in a workflow process during the execution of a task in the workflow process. It further enables the analysis of the performance deficiency to support improvement in the workflow process. Because it is integrated into the workflow process, it facilitates collecting and analyzing information regarding deficiencies in the workflow process.

Unlike the claimed system, Frank describes a computerized web-based system for compliance management that includes an incident management component and a workflow component. The workflow component of Frank structures tasks of the incident management process, a set of tasks to accomplish the investigation and resolution of an incident. Frank obtains and maintains records of work-related incidents, such as a chemical spill or a report of sexual harassment. These incidents are handled in accordance with specific compliance procedures. However, an incident in Frank is not equivalent to a “performance deficiency in said workflow process” as recited in claim 1. Rather, and unlike the claimed arrangement, the workflow component of Frank structures and manages the tasks associated with handling

incident using an incident management component (Frank Abstract and Fig. 2). Frank fails to disclose or suggest managing workflow associated with an incident management process to improve the workflow of the incident management process. Rather, Frank describes managing an incident to reduce the occurrence of future incidents (Frank Abstract and para. [0038]). The present claimed system, in contrast, integrates a system for reporting and managing **performance deficiencies in the workflow process** in an active workflow process.

The Office Action misinterprets and mischaracterizes the management of incidents in Frank and states that Frank shows integrated management of a workflow process. On the contrary, Frank fails to disclose or suggest “a system integrated into a workflow process . . . comprising an interface processor for receiving, **during the execution of a task in said workflow process**, a message indicating recognition of a performance deficiency in **said workflow process**” as recited in claim 1. Instead, Frank, in the passage cited and elsewhere, merely describes receiving a message identifying an incident has occurred (Frank para. [0011]). The message indicating an incident has occurred is NOT equivalent to “a message indicating recognition of a performance deficiency in said workflow process” that is received “during the execution of a task in said workflow process”. Rather, the message in Frank indicates that an incident has occurred and starts the incident specific procedures. Frank fails to disclose or suggest that a message is received “during the execution of a task in said workflow process” or that any message received indicates “recognition of an occurrence of a performance deficiency in **said workflow system**” as recited in claim 1. Instead, the message received in Frank indicates that certain procedures need to be performed to handle that incident.

Frank also fails to disclose or suggest “a data processor conditioned for storing records in a repository, an individual record comprising data representing current workflow context information indicating context occurring substantially at the time of recognition of said occurrence of said performance deficiency in the workflow process, and information identifying the performance deficiency in the workflow process in response to the received message” as recited in claim 1. Frank, in the passage cited and elsewhere, merely describes storing **data regarding an incident** being managed (Frank para. [0042]), not storing “workflow context information indicating context occurring substantially at the time of recognition of said occurrence of said performance deficiency” and data “identifying said performance deficiency in said workflow” as recited in claim 1. The data stored in Frank must first be collected by the user in various ways, because the data is associated with an incident being investigated and/or managed. However, the incident is unrelated to the operation of a workflow system and the incident occurs at some previous undefined time

outside of any workflow system. This is fundamentally different from the present claimed system, in which a performance deficiency **in the workflow process** is noted either by the system or by a participant in the process “during the execution of a task in said workflow process” as recited in claim 1. Additionally, Frank fails to provide enabling disclosure of “workflow context information indicating context **occurring substantially at the time of recognition**” of the performance deficiency that is used to improve the workflow process. Frank fails to contemplate an equivalent feature.

Moreover, Frank fails to disclose or suggest “an analyzer for analyzing said data in said record identifying said performance deficiency in said workflow process to support improvement of said workflow process” as recited in claim 1. Frank describes analyzing an incident, and NOT analysis of a workflow process. Unlike the claimed system, the workflow described in Frank structures the reporting and investigating of the incident. Frank, in the passage cited and elsewhere, describes “performance measurement of **tasks related to the incident**” (Frank paras. [0010] – [0011]). The tasks being measured are not tasks that make up a workflow as in the claimed system. Thus, Frank is fundamentally different from the present system which involves the analysis of tasks of the workflow process to support modifications to the workflow process itself (Specification pg. 7, line 28 – pg. 8, line 2). The system described in Frank comprises an incident management system and a workflow system that structures the tasks of incident management, but, unlike the present claimed system, there is no disclosure or suggestion of “a system integrated into a workflow process for use in improving management of said workflow process” as recited in claim 1. Consequently, Applicants respectfully submit that the rejection of claim 1 is satisfied and should be withdrawn.

Claim 2 is dependent on claim 1 and is considered patentable for the reasons presented above with regard to claim 1. Claim 2 is further considered patentable because Frank neither discloses nor suggests an analyzer analyzing “records identifying said performance deficiencies to identify a pattern of performance deficiencies in said workflow process” as recited in claim 2. This feature is neither disclosed nor suggested by Frank. Consequently, Applicants respectfully submit that the rejection of claim 2 is satisfied and should be withdrawn.

Claims 3-7 are dependent on claim 1 and are considered patentable for the reasons presented above with regard to claim 1. Each of the features described in Frank relates to a feature in an incident management system, not to a feature in an integrated workflow management system. Consequently, Applicants respectfully submit that the rejection of claims 3-7 are satisfied and should be withdrawn.

Amended claim 8 is dependent on claim 1 and is considered patentable for the reasons presented above with regard to claim 1. Claim 8 is further considered patentable because Frank fails to disclose or suggest that “said received message indicating occurrence of a performance deficiency in said workflow process is initiated in response to at least one of, (a) user data entry in a generated user interface display image during execution of a task in said workflow process and (b) automated performance assessment derived from workflow process operation monitoring of said workflow process” as recited in claim 8. Frank nowhere describes receiving information indicating “occurrence of a performance deficiency in said workflow process ...during execution of a task in said workflow process” as recited in claim 8.

Unlike the claimed system, Frank receives information regarding an incident that is external to the workflow process employed in managing the incident. In Frank, the workflow is predefined to handle specific incidents and Frank receives data regarding the particular incident and not information regarding a performance deficiency in any workflow process of any type. Further, the information regarding the incident is merely received at some undefined point in time and initiates a process of compliance management, i.e. triggers a compliance workflow (Frank para. [0057]). This is fundamentally different from the present claimed system, in which a user is working with “a workflow image supporting user performance of a task” which “includes an image element enabling user initiation of display of . . . one or more images enabling a user to enter data identifying the performance deficiency in the workflow system” (Specification pg 10, line30 – pg. 11 line 3).

The Office Action further asserts that Frank describes “automated performance assessment derived from workflow process monitoring of said workflow process” as recited in claim 8. Applicant respectfully disagrees. Frank, in the cited passage and elsewhere, merely refers to “the compliance management system performing audits on a broad scale” (Frank Fig. 4 and para. [0045]). The process of performing audits is not further described. There is no disclosure or suggestion in Frank that such an audit is an “**automated performance assessment**” as recited in claim 8 that would generate a message to “an interface processor” in “a system integrated into a workflow process”. Moreover, Frank fails to disclose or suggest that any such audit process addresses any workflow used by Frank. Consequently, withdrawal of the rejection of claim 8 is respectfully requested.

Claims 9-12 are dependent on claim 1 and are considered patentable for the reasons presented above regarding claim 1. Thus, Applicants respectfully submit that the rejections of claims 9-12 are satisfied and should be withdrawn

Amended independent claim 13 is considered patentable for the reasons presented earlier with regard to claim 1. Claim 13 is also considered patentable because, contrary to the

assertion in the Office Action, Frank fails to disclose or suggest “a system integrated into a workflow process for use in improving management of said workflow process” as recited in claim 13. Instead, and unlike the claimed system, Frank is a system for compliance management that is designed to reduce the recurrence of incidents (Frank Abstract). Frank also fails to disclose or suggest “an analyzer for initiating generation of an alert message to a user of the workflow system in response to analyzing said records” which include “data representing workflow context information indicating context occurring substantially at the time of recognition of said occurrence of said performance deficiency in said workflow process and information identifying a plurality of corresponding performance deficiencies in said workflow process”. Frank, in the passage cited and elsewhere, merely describes notification of the appropriate personnel (internal or external) regarding an incident, not notification of a user of the workflow system regarding an analyzed performance deficiency in the workflow process (Frank paras. [0009] and [0063], and Fig. 8). Consequently, withdrawal of the rejection of claim 13 is respectfully requested.

Amended independent claim 14 is considered patentable for the reasons presented earlier with regard to claim 1. Claim 14 is further considered patentable because Frank fails to disclose or suggest “a user interface system integrated into a workflow process for use in improving management of said workflow process . . . comprising a sequence of tasks . . . to support healthcare delivery to a patient” as recited in claim 14. Frank describes a system for compliance management regarding federally imposed regulations for dealing with incidents, and the workflow process for dealing with such incidents (Frank para. [0004]). Frank is silent regarding “healthcare delivery to a patient,” providing as examples of incidents a report of sexual harassment or a chemical spill (Frank para. [0021]). There is no suggestion or contemplation of applying the system of Frank to the delivery of healthcare to a patient. Consequently, withdrawal of the rejection of claim 14 is respectfully requested.

Claims 15-18 are dependent on claim 14 and are considered patentable for the reasons presented earlier with regard to claim 14. Thus, withdrawal of the rejections of claims 15-18 is respectfully requested.

Claim 19 is dependent on claim 14 and is considered patentable for the reasons presented above with respect to claims 1 and 14. Claim 19 is also considered patentable because Frank fails to disclose or suggest “said display generator initiates display of data representing a workflow image supporting user performance of a task involved in delivering healthcare to a patient, said workflow image including an image element enabling user initiation of display of said data representing said at least one image enabling a user to enter data identifying said performance deficiency in said workflow process” as recited in claim 19. The present claimed system advantageously integrates the reporting and identification of

performance deficiencies in the workflow into the workflow itself, by providing, on the image that supports the user performance of a task in the workflow, an image element that enables the user to display an image for entering data identifying a performance deficiency. Frank, in the cited passage and elsewhere, merely describes the use of a processor that stores and retrieves images and facilitates “the creation of documents for new incidents” (Frank paras. [0031] and [0036]). Frank is silent regarding the provision of “an image element enabling user initiation of display of . . . at least one image enabling a user to enter data identifying the performance deficiency **in the workflow process**” as recited in claim 19. Consequently, withdrawal of the rejection of claim 19 is respectfully requested. Claims 20-27 are dependent on claim 14 and are considered patentable for the reasons presented earlier with regard to claims 1 and 14. Consequently, withdrawal of the rejection of claims 20 – 27 is respectfully requested.

Claim 28 is considered patentable for the reasons presented earlier with regard to claim 1. Consequently, withdrawal of the rejection of claim 28 is respectfully requested. Claim 29 is considered patentable for the reasons presented earlier with regard to claims 1 and 2. Consequently, withdrawal of the rejection of claim 29 is respectfully requested. Claim 30 is considered patentable for the reasons presented earlier with regard to claims 1 and 14. Consequently, withdrawal of the rejection of claim 30 is respectfully requested.

Having fully addressed the Examiner's rejections, it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at the phone number below, so that a mutually convenient date and time for a telephonic interview may be scheduled.

No fee is believed due. However, if a fee is due, please charge the additional fee to  
Deposit Account 19-2179.

Respectfully submitted,  
Klaus Abraham-Fuchs

March 20, 2009

By: 

Alexander J. Burke  
Reg. No. 40,425

Siemens Corporation  
Customer No. 28524  
Tel 732 321 3023  
Fax 732 321 3014